

Verified Answer, sworn to on April 29, 1994

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

Plaintiff,

-vs-

**VERIFIED
ANSWER**

REVEREND PAUL P. SABO,
INDIVIDUALLY & AS PASTOR OF
VISITATION ROMAN CATHOLIC CHURCH
LISTED AS DEFENDANT BELOW,
THE VISITATION ROMAN CATHOLIC CHURCH
SOCIETY OF BUFFALO, NEW YORK,
THE DIOCESE OF BUFFALO, NEW YORK,
MOST REVEREND EDWARD D. HEAD, D.D.,
INDIVIDUALLY, AS BISHOP OF THE DIOCESE
OF BUFFALO AND AS PRESIDENT OF THE
DIOCESAN CORPORATION, &
REVEREND MONSIGNOR ROBERT J. CUNNINGHAM,
INDIVIDUALLY, AND AS CHANCELLOR AND VICAR
GENERAL OF THE DIOCESE OF BUFFALO AND AS
SECRETARY OF THE DIOCESAN CORPORATION,

Index # 12595/93

Defendants.

The defendants, THE DIOCESE OF BUFFALO, NEW YORK, MOST REVEREND EDWARD D. HEAD, D.D., INDIVIDUALLY, AS BISHOP OF THE DIOCESE OF BUFFALO AND AS PRESIDENT OF THE DIOCESAN CORPORATION, REVEREND MONSIGNOR ROBERT J. CUNNINGHAM, INDIVIDUALLY, AND AS CHANCELLOR AND VICAR GENERAL OF THE DIOCESE OF BUFFALO AND AS SECRETARY OF THE DIOCESAN CORPORATION, and THE VISITATION ROMAN CATHOLIC CHURCH SOCIETY OF BUFFALO, NEW YORK, by their attorneys, CONNORS & VILARDO, for their verified answer to the plaintiff's complaint herein:

1. Admit the allegations contained in paragraphs 3, 4, 5, 6, 8, 10 and 45 of the complaint.
2. Deny knowledge and information sufficient to form a belief as to the allegations contained in paragraphs 1, 2, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29,

Exhibit C:

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30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 46, 48, 50, 51, 52, 54, 55, 56, 58, 59, 60, 61, 62, 63, 64, 65, 84, 93, 96, 98, 99, 100, 101, 102, 103 and 107 of the complaint.

3. Answering paragraph 7 of the complaint, these answering defendants admit that THE MOST REV. EDWARD D. HEAD, D.D. is the Bishop of the Diocese of Buffalo, New York and resides in the City of Buffalo, but deny knowledge and information sufficient to form a belief as to the remaining allegations contained therein.

4. Answering paragraph 9 of the complaint, these answering defendants admit that THE REV. MONSIGNOR ROBERT J. CUNNINGHAM is the Chancellor and Vicar General of the Diocese of Buffalo, New York and resides in the State of New York, but deny knowledge and information sufficient to form a belief as to the remaining allegations contained therein.

5. Answering paragraph 47 of the complaint, these answering defendants admit that Father Zapfel called the plaintiff and advised that he and Msgr. Cunningham, Chancellor of the Diocese, would like to meet with her, deny that he advised that they wanted to meet with her alone, and otherwise deny knowledge and information sufficient to form a belief as to the remaining allegations contained therein.

6. Answering paragraph 49 of the complaint, these answering defendants admit that plaintiff advised Father Zapfel that she would not attend a second meeting, and otherwise deny knowledge and information sufficient to form a belief as to the remaining allegations contained therein.

7. Answering paragraphs 57, 67, 68, 73, 86, 87, 89, 90, 91, 92, 97 and 110 of the complaint, these answering defendants deny knowledge and information sufficient to form a belief as to the

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allegations contained therein because of the vague and ambiguous wording of those allegations.

8. Answering paragraph 66 of the complaint, these answering defendants deny that the Church authorities were aware or should have been aware of the allegations contained in paragraph 66 of the complaint, and deny knowledge and information sufficient to form a belief as to the remaining allegations contained therein.

9. Answering paragraph 70 of the complaint, these answering defendants admit that Father Sabo has made a promise of celibacy, but deny knowledge and information sufficient to form a belief as to the remaining allegations contained therein.

10. Answering paragraphs 71, 74, 75, 76, 78, 79, 80, 81, 82, 83, 88 and 94 of the complaint, these answering defendants deny the allegations contained therein as they pertain to these answering defendants, and deny knowledge and information sufficient to form a belief as to the remaining allegations contained therein.

11. Answering paragraph 106 of the complaint, these answering defendants deny any fraudulent statements by any of the answering defendants, and deny knowledge and information sufficient to form a belief as to the remaining allegations contained therein.

12. Deny the allegations contained in paragraphs 69, 104, 105, 108 and 109 of the complaint.

13. Repeat and reallege the answers to the allegations contained in paragraphs 53, 72, 77, 85 and 95 with the same force and effect as if fully set forth herein.

14. Deny each and every remaining allegation of the plaintiff's complaint not hereinbefore specifically admitted or otherwise denied.

Verified Answer, sworn to on April 29, 1994

FOR A FIRST AFFIRMATIVE DEFENSE,
THESE ANSWERING DEFENDANTS ALLEGE
UPON INFORMATION & BELIEF:

15. That each cause of action was not commenced within the time limit required by the State of New York, and therefore is barred by the applicable statute of limitations.

FOR A SECOND AFFIRMATIVE DEFENSE,
THESE ANSWERING DEFENDANTS ALLEGE
UPON INFORMATION & BELIEF:

16. That each cause of action in the complaint fails to state a cause of action upon which relief can be granted against these answering defendants.

FOR A THIRD AFFIRMATIVE DEFENSE,
THESE ANSWERING DEFENDANTS ALLEGE
UPON INFORMATION & BELIEF:

17. That each of the claims made in the complaint is barred by statute, including but not limited to Civil Rights Law § 80-a.

FOR A FOURTH AFFIRMATIVE DEFENSE,
THESE ANSWERING DEFENDANTS ALLEGE
UPON INFORMATION & BELIEF:

18. That imposition of liability would violate the freedom of religion clause of the First Amendment to the United States Constitution, and its New York State counterpart.

FOR A FIFTH AFFIRMATIVE DEFENSE,
THESE ANSWERING DEFENDANTS ALLEGE
UPON INFORMATION & BELIEF:

19. That to the extent that the plaintiff seeks recovery based on allegations of misrepresentation, fraud, mistake, willful

default, breach of trust or undue influence, said claims fail to meet the particularly requirements of CPLR § 3016(b).

FOR A SIXTH AFFIRMATIVE DEFENSE,
THESE ANSWERING DEFENDANTS ALLEGE
UPON INFORMATION & BELIEF:

20. That although denying as alleged in the complaint the existence of any contract and/or agreement between defendants and plaintiff, any such contract and/or agreement is void for lack of consideration, lack of mutual assent, mistake and/or statute of frauds.

FOR A SEVENTH AFFIRMATIVE DEFENSE,
THESE ANSWERING DEFENDANTS ALLEGE
UPON INFORMATION & BELIEF:

21. That upon trial, it may appear that some or all of the damages claimed by plaintiff were brought about or contributed to by reason of plaintiff's own acts, actions, negligence or assumption of risk; and if so, plaintiff's damages, if any, must be diminished accordingly.

FOR AN EIGHTH AFFIRMATIVE DEFENSE,
THESE ANSWERING DEFENDANTS ALLEGE
UPON INFORMATION & BELIEF:

22. That the plaintiff has failed to mitigate her alleged damages.

WHEREFORE, these answering defendants demand judgment (1) dismissing the plaintiff's complaint, (2) that the plaintiff's damages, if any, be diminished in the proportion which the culpable conduct, contributory negligence and/or assumption of risk attributed to plaintiff bears to the culpable conduct and negligence

Verified Answer, sworn to on April 29, 1994

which caused such damages, and (3) for costs and disbursements, including reasonable attorneys fees, incurred in this action.

DATED: Buffalo, New York
April 29, 1994

CONNORS & VILARDO
Attorneys for Defendants
THE DIOCESE OF BUFFALO
MOST REV. EDWARD D. HEAD, D.D.
REV. MSGR. ROBERT J. CUNNINGHAM
& VISITATION ROMAN CATHOLIC
CHURCH SOCIETY
1020 Liberty Building
Buffalo, New York 14202
(716) 852-5533

TO: SHEILA GRAZIANO, ESQ.
Attorney for Plaintiff
630 Convention Tower
Buffalo, New York 14202

Exhibit C:
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VERIFICATION

STATE OF NEW YORK)
COUNTY OF ERIE) SS.:
CITY OF BUFFALO)

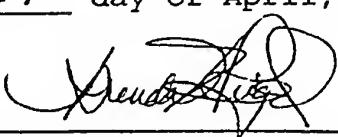
MOST REVEREND EDWARD D. HEAD, D.D., being duly sworn, deposes and says that he is a defendant in the within action and the Bishop of the DIOCESE OF BUFFALO, NEW YORK, a defendant in the within action; that he has read the foregoing Answer and knows the contents thereof; that the same is true to his knowledge and information except as to those matters therein alleged upon information and belief, and as to those matters he believes them to be true.

+ Edward D. Head

MOST REVEREND EDWARD D. HEAD

Sworn to before me this

29 day of April, 1994.



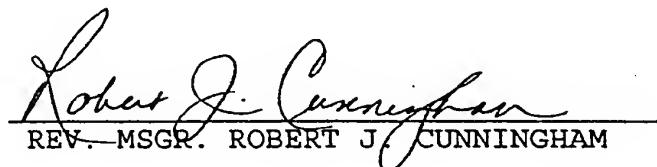
Notary Public

BRENDA WEIGEL
Notary Public, State of New York
Qualified in Erie County
My Commission Expires Aug. 23, 1994

VERIFICATION

STATE OF NEW YORK)
COUNTY OF ERIE) SS.:
CITY OF BUFFALO)

REV. MSGR. ROBERT J. CUNNINGHAM, being duly sworn, deposes and says that he is a defendant in the within action, the Chancellor of the DIOCESE OF BUFFALO, NEW YORK, a defendant in the within action, and the Vice President of THE VISITATION ROMAN CATHOLIC CHURCH SOCIETY OF BUFFALO, NEW YORK, a defendant in the within action; that he has read the foregoing Answer and knows the contents thereof; that the same is true to his knowledge and information except as to those matters therein alleged upon information and belief, and as to those matters he believes them to be true.



REV. MSGR. ROBERT J. CUNNINGHAM

Sworn to before me this

29th day of April, 1994.



Notary Public

BRENDA WEIGEL
Notary Public, State of New York
Qualified In Erie County
My Commission Expires Aug. 23, 1995